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CHAIRMAN
C. HUGH PATRICK, JR., 4TH DISTRICT
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COMMISSIONERS
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DR. D.H. DANIEL, 3RD DISTRICT
S. ANNE WALKER, 5TH DISTRICT

GARY R. BAKER
EXECUTIVE DIRECTOR

State of South Carolina State Ethics Commission

(803) 758-7408
SCN Center, Ste. 930
1122 Lady Street
Columbia, S. C. 29201

NEWSLETTER

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OCT 1 9 1984

October 1984

STATE DOCUMENTS

No. 85-001

COMMISSION UPHELD IN DECISION APPEAL

Circuit Judge Paul M. Moore upheld the State Ethics Commission in an appeal of a decision handed down two years ago involving members of the Cherokee County Council. The decision involved a public reprimand issued by the State Ethics Commission to four members of the Cherokee County Council who were cited for accepting dinner invitations and taking trips to Florida provided by a hospital corporation bidding on the purchase of the county hospital.

Three of the four members who were cited by the Commission appealed the reprimand to the Circuit Court. In the appeal decision, Judge Moore noted that the allegations of the appeal were without merit and affirmed the decision of the State Ethics Commission.

At the time of the filing of the complaint, Cherokee County was considering the sale of the county hospital to a private hospital corporation. Lifemark Corporation, one of the finalist bidders, provided air transportation, meals and lodging, as well as entertainment, for members to visit facilities in Miami and Tampa, Florida. Lifemark also issued frequent dinner invitations to council members. As the result of a hearing held in July 1982, the Commission reprimanded four of the County Council members for abusing their positions in accepting such invitations from a company with a substantial interest in a pending council action. The complaints were filed against the members of the Cherokee County Council by Fred W. Sprouse, a citizen of Cherokee County.

CAMPAIGN DISCLOSURE DEADLINES

Candidates and committees involved in the October primary and the November general election are reminded to disclose their campaign finances within thirty days after each election. Candidates or committees supporting candidates in the October 2 Senate primary must file a Campaign Disclosure Form prior to November 1. Those candidates or committees involved in the November 6 general election must file the Campaign Disclosure Form prior to December 6.

Campaign Disclosure Forms for the filing of the campaign finance information are available from the County Clerk of Court as well as from the State Ethics Commission.

COMMISSION COMMITTEES CREATED

The State Ethics Commission created three committees to handle matters within the Commission's jurisdiction. Appointed to the Budget Committee were Dr. Daniel and Dr. Webber. Mr. Patrick and Ms. Walker were appointed to the Personnel Committee while Mr. Ray and Mr. Pearlman will serve on the Legislative Committee.

ELECTION COMMISSION REMINDER

The Commission is requesting the assistance of county election commissions in providing a listing of successful candidates in the November 6 general election. The Successful Candidate Roster will be mailed to each county election commission about the first of November. The Commission requests that this listing be returned by November 13 in order to update Commission records.

DIGEST OF ADVISORY OPINIONS

SEC 85-001

July 18, 1984

**SUBJECT: SPOUSE OF WATER DISTRICT
EMPLOYEE RUNNING FOR WATER DISTRICT
COMMISSION**

The spouse of an employee of a water district would not be prohibited by the State Ethics Act from running for or holding office on the water district commission. However, if elected, the spouse would be required to follow the disclosure and disqualification procedures of Section 8-13-460 in matters affecting the financial interests of his spouse.

Requestor: C. Bobby Taylor

Entity: Woodruff, SC

SEC 85-002

July 18, 1984

**SUBJECT: EMPLOYEE OF SEWER DISTRICT
RUNNING FOR AND HOLDING OFFICE AS
COMMISSIONER OF ANOTHER PUBLIC SERVICE
DISTRICT**

An employee of a sewer district who resides in another public service district would not be prohibited by the State Ethics Act from running for and holding elective office in another public service district.

Requestor: Jimmy L. Green

Entity: North Charleston Sewer District

SEC 85-003

July 18, 1984

**SUBJECT: CITY COUNCILMEN VOTING ON
ZONING ORDINANCE**

City Councilmen with interests in the commercial area of a city would not be prohibited from voting on a zoning ordinance placing a height restriction on buildings within the area, since their interests would not appear to be substantially affected directly by the ordinance.

Requestor: Wayne R. Hembree

Entity: City of Folly Beach, SC

85-004

July 18, 1984

**SUBJECT: SCHOOL EMPLOYEE AS CANDIDATE
FOR SCHOOL BOARD**

An employee of a school district is not precluded by the State Ethics Act from running for a seat on the school district board since she will retire after the election but prior to the beginning of the elective term of office.

Requestor: Mary C. Mays

Entity: Charleston County School District

SEC 85-005

July 18, 1984

**SUBJECT: CITY COUNCILMEN PARTICIPATING
IN GRANT LOANS**

Four city councilmen would not be prohibited from participating in a city community development loan program, provided they took no action during the awarding or the payback phases.

Requestor: William A. Cranford, Mayor

Entity: City of Chester

SEC 85-006

September 19, 1984

**SUBJECT: ASSISTANT SOLICITOR
REPRESENTING CLIENTS IN CIVIL MATTER**

An assistant Solicitor would not be prohibited by the State Ethics Act from representing clients in a civil matter arising out of a case in which criminal charges had been earlier handled by the Solicitor's Office.

Requestor: Robert Vaux

Entity: Hilton Head Island, SC

SEC 85-007

September 19, 1984

**SUBJECT: COUNTY ATTORNEY PRACTICING
CRIMINAL LAW IN COURT OF GENERAL SESSIONS**

The State Ethics Commission reconsidered its earlier opinion 84-024 and advises that a county attorney may practice criminal law in the court of general sessions in matters in which the county has no stake in the outcome of the criminal matter.

Requestor: W. E. Jenkinson, III

Entity: Kingstree, SC

SEC 85-008

September 19, 1984

**SUBJECT: RIGHT OF WAY AGENT INVOLVEMENT
IN REAL ESTATE TRANSACTION**

A Right of Way Agent for the Department of Highways and Public Transportation is advised against further involvement in a real estate transaction involving property-owners affected by a highway relocation project.

Requestor: Grady P. Bennett

Entity: Department of Highways and
Public Transportation

SEC 85-009 September 19, 1984

SUBJECT: ELECTED OFFICIALS SERVING ON CITY DEVELOPMENT COMMISSION

There are no provisions in the State Ethics Act which would prohibit the Mayor of a municipality and a member of the County Council from also serving on the municipality's Development Board.

Requestor: James F. Ramsey

Entity: City of Mullins

SEC 85-010 September 19, 1984

SUBJECT: MAYOR'S FRIENDS ESTABLISHING PERSONAL FUNDS ACCOUNT FOR FOREIGN TRIP

A Mayor is advised against the establishment of a fund to receive donations from friends and associates to provide funds to spend for his personal use while he is on a fact-finding trip to China.

Requestor: Deanna Borland

Entity: Town of Lincolnville

SEC 85-011 September 19, 1984

SUBJECT: EMPLOYEE SERVING ON HOSPITAL'S BOARD OF DIRECTORS

The State Ethics Act does not preclude a public employee from also being a member of the Anderson County Hospital Board of Directors since the hospital is a private non-profit corporation. However, the public employee is advised not to participate in matters which could affect his personal financial interests, to preclude even the appearance of impropriety.

Requestor: Joseph G. Wright, III, Co. Attorney

Entity: Anderson County

At its September 19 meeting, the State Ethics Commission agreed to seek reintroduction of legislation which was pending at the close of the 1984 session of the General Assembly. The legislation had been introduced in both houses but bogged down due to lengthy discussions concerning the Education Improvement Program.

The legislative package includes a comprehensive approach to changes in the campaign finance provisions. The proposals provided for:

- (1) The establishment of checking accounts for the deposit and disbursement of campaign funds.
- (2) Committees to preregister with the Commission and provide certain identification information.
- (3) Filing of campaign finance reports prior to each election.
- (4) Certain restricted usages of campaign funds.
- (5) Contribution limits for political races.
- (6) Identification on campaign literature of the person paying for production and distribution.

SEC 85-012 September 19, 1984

SUBJECT: COUNTY CONDUCTING BUSINESS WITH RELATIVES OF PURCHASING AGENT

The State Ethics Act does not prohibit a county from placing business with persons related to the county purchasing agent, however, the State Ethics Commission advises that the agent not involve himself in the business placement to preclude even the appearance of an impropriety.

Requestor: Alice R. Copeland, Personnel Director

Entity: Chesterfield County

SEC 85-013 September 19, 1984

SUBJECT: CITY COUNCIL MEMBER REPRESENTING HIMSELF BEFORE PLANNING COMMISSION

A City Council Member may represent himself before the city planning commission regarding a rezoning matter.

Requestor: Bob Wilson, City Planner

Entity: City of Conway

ANNUAL REPORT PUBLISHED

The ninth annual report of the State Ethics Commission has recently been published concerning activities during FY84. The annual report includes the full text of advisory opinions issued during the fiscal year and also includes a summary of Commission actions and complaint dispositions.

During FY84, the Commission, received 8,856 forms, handled 1,584 requests to review files, issued 60 advisory opinions, and processed 31 complaints.

Copies of the Commission's annual report may be obtained from the Commission office.

LEGISLATION

- (7) Prohibitions against utilization of public materials, equipment, and employees in political campaigns.

Other legislation would prohibit public officeholders from representing clients before any agency whose members are appointed or elected by the officeholder's agency. The proposals also include administrative proposals which would change the reporting requirements of the Statement of Economic Interests to provide for disclosure of certain business and real estate interests. The Commission has also recommended that a fine system be established to be levied against persons late in filing required statements.

The Commission has also prepared a draft of a report to offer certain opinions to be considered in the establishment of a public financing program for political campaigns in South Carolina. The report will be made available prior to the opening of the 1985 General Assembly.

Copies of the legislative proposals may be obtained from the Commission office.

NEW FORMS TO BE PRINTED

The State Ethics Commission has approved some minor revisions to the Statement of Economic Interests Form and the Campaign Disclosure Form. The major revision to the two forms is the reinclusion of the filer's copy. Through 1982, the forms provided a third copy of each form for retention by the filer for his records, however, due to budget constraints the last two years, the third copy was not included. The other changes to the forms deal mainly with instructions provided on the forms themselves.

The Commission will again mail the Statement of Economic Interests directly to those officeholders on the Commission files. In early November a letter will be mailed to each public agency requesting an update of officeholders and their addresses. The Commission will update its records prior to the mailout of the Statement of Economic Interests forms to each public officeholder in early January.

State Ethics Commission

SCN CENTER, STE. 930
1122 LADY STREET
COLUMBIA, S.C. 29201

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